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EXAMINER

WRIGHT, ANDREW D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3617

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/016,640

Applicant(s)

EAGLES, DANA

Examiner

Andrew Wright

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.5.8. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-11 in Paper No. 7 is acknowledged. Claims 12-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for filling and emptying (claim 1) and the length of the segment being equal to the circumference (claim 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation "said first and second segments" in lines 14-15.

There is insufficient antecedent basis for this limitation in the claim. A first segment has not been positively recited.

6. Claim 4 recites the limitation "said clamping means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

7. Claims 5-8 recite "the segment" and claim 9 recites "said segment". There is insufficient antecedent basis for these limitations in the claims. It is unclear which segment is being referred to.

8. The claims not specifically mentioned above depend from a rejected claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Reimers (US 6,550,410). Reimers shows a fluid containment vessel. The vessel comprises an elongate flexible tubular structure with a circumference and first and second ends (figures 1A and 1B and abstract). The tubular structure comprises three fabric segments (112, 113, 114) that have a width that is smaller than the width of the tubular structure (figures 1A and 1B). Reimers discloses that the fabric can be rendered

impervious by internal and external coating. Reimers discloses that the first and second ends are sealed. Reimers discloses a fluid filling and emptying conduit. Reimers discloses means for joining the segments together. The means for joining comprises folded sections along the edge of each segment. The folded sections are aligned with a sealing profile (600) therebetween. The folded sections are secured by string (220).

11. Regarding claim 9 the length of the each segment is equal to the circumference of the tube. Regarding claim 10, the means for securing includes stitching with string (220). Regarding claim 11, string is encompassed in the broad scope of the term rope as used in the claims and understood from the specification.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reimers (US 6,550,410) in view of Kassinger et al. (US 5,203,272) and Soper (US 2,065,480). Regarding claims 2-4, Reimers does not show that the folded sections are c-shaped. As shown by Kassinger, the prior art of clamp joints encompasses numerous configurations including an internal bar (50), similar to that shown by Reimers, and male-female pressing members (figure 7b). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Reimers by using a male-female pressing members instead of a round bar. The

motivation would be to optimize design parameters such as cost and weight by using known clamping means. Soper shows a clamp joint in figure 5 that comprises male and female pressing members, and does not use a round bar. The clamp joint comprises c-shaped edge portions of the material to be clamped together, an I-shaped insert between the edge portions that receives the edge portions, and a U-shaped clamp that maintains the c-shaped portions together and the I-shaped portion therebetween. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Reimers by using the clamp joint shown by Soper. The different clamp joint configurations shown by Reimers, Kassinger, and Soper are functionally equivalent in that they provide a watertight seal. The choice to use one over another would constitute a choice made with the motivation of optimizing parameters such as cost, weight, availability.

14. Regarding claim 5, the c-shaped portions are formed at the edge of the respective segment. Regarding claim 6, the c-shaped portions are fixedly secured to the edge in the sense that they are integrally formed with the edge.

***Allowable Subject Matter***

15. Claims 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest a flexible fluid containment vessel with,

*inter alia*, c-shaped upright members maintained within an overlap formed from the edge of a fabric segment.

**Conclusion**


17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moreland (US 4,641,400) and Double et al. (US 6,474,022) both show clamp joints for fabric segments. US 1,723,307 (cited by applicant) and GB 1,079,766 (cited by applicant) both show various shapes and configurations for clamp joints.

18. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9326 for before final proceedings and 703-872-9327 for after final proceedings. The fax number for the examiner for unofficial communications is 703-746-3548.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1113.

Andrew D. Wright  
Patent Examiner  
Art Unit 3617

 6/25/03

  
S. JOSEPH MORANO  
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